

HOUSE BILL 1831

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 17; Title 20; Title 22 and Title 40, relative to
jurors.

WHEREAS, the right of jury to judge both the facts and the law is firmly established throughout the United States of America and in the Constitution of the State of Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Fully Informed Jury Act of 2011."

SECTION 2. Tennessee Code Annotated, Title 22, is amended by adding the following as a new chapter:

22-6-101.

(a) Notwithstanding any court rule to the contrary, in any criminal jury trial, the trial judge shall inform jurors of their right to judge both law and facts in reaching a verdict by issuing the following statement:

In Tennessee and throughout America, jurors possess the responsibility and fundamental right to judge the facts and the law in any court. Jurors are empowered to decide if a law is just, moral, and constitutional. Additionally, jurors are empowered to decide if that law has been violated. A verdict of 'Guilty' condemns the defendant, and a verdict of 'Not Guilty' absolves the defendant of any wrongdoing. The juror's conscience dictates the exercise of this power.

(b) The trial judge shall inform jurors by making the statement required by subsection (a) on three (3) occasions:

(1) When the jury pool is initially established, during the orientation phase;

(2) When the trial begins; and

(3) When the jury is ready for deliberation.

(c) No potential juror may be questioned about the juror's willingness to judge the law or its application, or be disqualified from serving on a jury because the juror voluntarily expresses willingness to judge the law or its application, or to vote according to conscience.

(d) The trial judge shall allow the jury to hear all discussions of the law during the trial, except for motions in limine and motions to suppress that are filed by the defense in criminal trials.

(e) The trial judge shall not prevent any party to the trial from encouraging the jury to fully exercise their power.

(f) Any failure on behalf of the trial judge to inform the jury as required by this chapter, or any other violation of the procedural requirements of this chapter, is a reversible error and grounds for a mistrial.

(g) This chapter supersedes any conflicting rules of court.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.